EVERY WEEK SINCE 1865

VIEW FROM TANGIER by Paul Bowles

THE Nation

JUNE 30, 1956
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SOVIET LEGAL REFORMS

Some Steps Toward Justice

by Harold J. Berman

Small Business as Cold Warrior

by Carey McWilliams

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Letters

Churchill as Historian

Dear Sirs: Go back over the quotations about men, armed with iron, smashing skulls and dragon ships with the glint of steel and the scent of murder (which James R. Newman exhibits as "felicities of style" in his May 19 review of Churchill's "A History of the English Speaking Peoples") and substitute nouns of a modern moral equivalent; what you would have would be something that sounds like a more pretentious kind of Mickey Spillane or sadistic "comic" book. Churchill has selected "the pageant-worthy events of the past" (Mr. Newman's description) and made them into a melodrama which, if it were American history he was writing, we would be justified in calling one long Fourth of July speech of the vintage of 1880—only a lot bloodier.

Mr. Newman's attitude toward Churchill is a hangover from the wartime Churchill the Ally, and is no better, intellectually and morally, than Stalin the Ally against Fascism-Nazism. War makes strange bedfellows, but in this late, long-overdue morning-after-the-war, Mr. Newman should certainly be capable of a Scientific American view of Churchill. England needs an agonizing reappraisal of this pompous bully with his bloody imagination and his borrowed magniloquence. It needs the British equivalent of the sort of reappraisal that is going on in the Soviet Union today.

LAWRENCE LIPTON

Venice, Calif.

Dear Sirs: Four things I gather from Lawrence Lipton's letter. He does not like Winston Churchill; he does not like him as a historian; he does not like his style; he compares his prose to Mickey Spillane's. All this comes down to one point: Lipton dislikes Churchill. There is nothing to challenge in this position. Where Lipton weakens it is in the supporting arguments, some of which, e. g. matching Churchill against Spillane, are manifestly absurd.

It is true that Churchill is a fine describer of battles and that he is rarely so eloquent as in chronicling armed conflict. But it is a mistake, I think, to regard him as an apostle of war. No one, as Lord Keynes once wrote, has preached greater sermons against wholesale slaughter than Churchill; no one has shown more contempt for those who plot and those who manage wars. Several of the examples I gave prove the point; they are superb ironical commentaries on man's murderous instincts. Lipton misreads these quotations and offers them as evidence of a "pompous bully's" lustful and sadistic appetite; this shows how far prejudice can distort the judgment of an obviously literate and well-meaning man.

JAMES R. NEWMAN

Washington, D. C.

Cult of Ike

Dear Sirs: George Dangerfield's article, Cult of Ike, in the June 16 issue deals ably with the crucial issue in American politics today. What I have thought of, since 1952, as The Eisenhower Mystique hangs like cloud over the contemporary scene and, as Mr. Dangerfield rightly observes, blurs the popular vision to such an extent that the Presidency is virtually cut off from the people. While one does not quite share Mr. Dangerfield's fear that this unconstitutional and undemocratic situation need remain a model for succeeding administrations, it is nonetheless morbid, particularly since it is used so efficiently by society's least rational, most powerful and most unscrupulous elements.

One measure of the cult's strength is Mr. Dangerfield's own sceptibility to certain of its retrospective manifestations. If military historians have already dented the massive wartime reputation of General MacArthur, it requires little foresight (or hindsight) to predict that they will be even less generous to General Eisenhower after he has left the White House and after the Hall-Hagerty-Montgomery machine has applied its talents elsewhere. Undefended by Captain Butcher, Miss Summersby and General Smith, the strictly military Cult of Ike vill be in for trying days at the antiseptic hands of objective historians. Whether Mr. Dangerfield's "great General" will survive, as Grant did, is a moot question that grows steadily less so.

I wonder, too, if Mr. Dangerfield is not overly kind when he speaks of those "simple and sensible speeches" and of the "something" in Eisenhower's character that deflects controversy. If he believes in his own conclusions about the desperately unhealthy condition of American politics, Mr. Dangerfield might well expend less energy "fighting" the unpleasant reality that needs to be recognized and dealt with in this election year. The unadorned and rather pathetic incompetence of President Harding was one thing in the 1920s. President Eisenhower's incompetence at this juncture in America's development poses a vastly more formidable problem. It is time for the responsible press to face that problem squarely so that we may be spared another four years of regency by default.

ROBERT HEUSSLER

Moscow, Vt.

The Real Compulsion

Dear Sirs: Compulsion of some by others is hated and resented. Still, it is a ghastly mistake to charge "the government" or "the court" with compelling desegregation. The compulsion lies in the situation—in a world two-thirds non-white and, like a dozen giants, all wakening at once to their birthright and finding reasons to believe that the whites are withholding it.

Intelligent leaders in government and out are wise enough to make plain wherein compulsions lie and to direct courses of action which save our most precious possessions by adjusting to those compulsions. The Supreme Court appears to discern this. It appears to say: "Take time to make this adjustment. Make it step by step in the way best for each locality. If you go to work sincerely you can meet the compulsions of this situation and meet them in time. But we dare not say you can ignore them or defy them."

FRANCIS GOODELL

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THE Nation

EVERY WEEK SINCE 1865

The Office and the Man

THE TIME has come for President Eisenhower to evidence the full measure of his respect for the office of the Presidency by announcing his retirement from public life.

Current discussion of Mr. Eisenhower's health is only incidentally related to the real issue. The Presidency of the United States is the greatest elective office in the world; by the same token it is the highest public trust. Since the President's heart attack last September, the office and the man have been confused. And the reason is clear: a majority of the American people want *this* man—Dwight D. Eisenhower—to run again. Popular attention, therefore, has been fixed on the man, not the office. But this particular man can succeed himself only if the office of the Presidency is cut and tailored to fit the personal limitations which have resulted from his heart attack and more recent illness. The Presidency cannot be refashioned just to make it possible for some one person to hold the office. No man is as great as the office itself; to imply the contrary would be to demean the Presidency.

A specific aspect of the office confirms this conclusion. Franklin D. Roosevelt once remarked that only the insoluble problems reach the President. The Chief Executive must devote all of his waking hours, his best energies, his undivided attention to these difficult problems, to the issues that only he can resolve. Efficient staff work can expedite the handling of routine business; it can make it a little easier for the President to deal with the great issues; but it can never be accepted as a substitute for the personal responsibility which the office imposes on the man who occupies it. It is this awesome responsibility—nothing else—that tempers the judgment of the President. Occupancy of the office is an ordeal—of fire, water and battle combined—and the ordeal and the office are inseparable.

With deep regret, *The Nation* has reached the conclusion that President Eisenhower should not seek re-election. In our view, he has honored the office. On one occasion we said that he was not only the inevitable nominee of the Republican Party, he was the *best* nominee. But he is not the same person he was then; what has happened to him cannot be undone by any miracle of modern surgery or therapy. The cause of the disease which occasioned his operation is unknown. It is a disease for which surgery is supportive, not curative; it is likely to recur. In view of his age, the heart attack he suffered last September and the facts about his recent illness, the insistence that he run again is not only unfair to him; it puts the nation in the untenable position of endangering his life to the end that the Republican Party may remain in office. The demand is indecent. The only consideration that could possibly justify such a sacrifice would be that Mr. Eisenhower alone could preserve the peace. But, thanks in part to his own initiative, the danger of war has receded; the next President is more likely to be concerned with guarding against the danger of our becoming, in the next decade, a second- or a third-rate world power than with the risk of war *per se*.

Do we want world opinion to draw the inference that we regard the risk of war as so great that we have set aside considerations of ordinary decency and humanity to insist that the President run again? Moreover, we put ourselves in a humiliating position by insisting on the indispensability of this one man. Is it really true that any one man is indispensable to the proper functioning of the most powerful representative government in the world today?

IN confusing the man with the office, we have lost sight of the fact that the entire world has an active and quite legitimate interest in the question of who succeeds President Eisenhower. Should the President be re-elected, his slightest indisposition would send tremors around the globe. Speculation would be continuous and rife about who it was in the President's entourage that really had his ear. The way would be open for serious miscalculations based on faulty appraisals of who had authority to speak for him or negotiate in his name.

In domestic politics, his re-election would greatly intensify the scramble for power, the backstage intrigue of the palace guard, which is already apparent in Washington. The public would not know, in every case, whether a particular decision was the President's or some advisor's. In our view, President Eisenhower is the least dictatorially inclined of any recent occupant of the White House; but precedents could be established, were he re-elected, that conniving men of the future might use to manipulate a lesser man as President. Nor does it require much imagination to foresee the kind of crisis-in-leadership that might arise were we to face another situation of the kind that prevailed over Indo-China in the spring of 1954 when the lights blazed all night in the Pentagon for a week or more. To endure ordeals of this kind—and it is in the ordeal

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of fire that the President's will is forged—necessarily requires every ounce of strength and energy that even the most robust incumbent can summon to the task.

But an even graver risk is that the cynicism toward the office of the Presidency which so clearly prevails among some of President Eisenhower's political advisors might come to be the popular attitude toward the office. It would be a dark day indeed if the American people ever came to believe that the Presidency was merely an honorary position or that we could afford to turn the office over to a kind of President Emeritus. As long as the Presidency is regarded as the great office it is—as long as we insist that it be so regarded—we can afford the risk, inevitable in a democracy, that mediocre men may hold it for a term or more. Such hazards we can survive. But another kind of danger might arise if the Presidency ever came to be regarded as merely an exalted chairmanship. Our concern—it should be everyone's concern—is with the office of the Presidency and the high trust it implies.

SMALL BUSINESS

And The Cold War . . . *by Carey McWilliams*

"RUSSIAN SMILES and the coming of the H-bomb," reports the *Wall Street Journal*, have created new pressures in Washington for the curtailment of military spending. But any attempt to cut military appropriations will meet with stout resistance and increasingly so if the economic outlook does not improve. Oddly enough, the resistances are stronger in the Democratic Party, the party of labor and small business, than in the big-business GOP.

This is not as paradoxical as it sounds. Big business, of course, gets the lion's share—80 per cent or more—of defense contracts. But since the Korean War, small business has been encouraged to believe that the competitive advantages of big business might be offset if only a larger slice of defense work went to the smaller firms. In point of fact, however, every expansion of the military budget only intensifies the forbidding disparity between them. It has been the expectation of *more* defense work, rather than any actual benefits received, that accounts for the surprising number of cold warriors in the ranks of small business.

But if small business has played a small part financially in military procurement it has, in the words of the Select Senate Committee on Small Business, "played a large part numerically." There are 4,000,000 small businesses in the country and 300,000 small manufacturing concerns ("small" meaning here an establishment with 500 employees or less). On one contract, Pratt and Whitney gave out 5,278 subcontracts to firms located in twenty-eight states. RCA Victor reported it had roughly 5,000 suppliers in forty-two states. Fifty producers of airplanes, engines and component parts reported that they had negotiated 60,000 subcontracts. The geographic spread of these subcontracts is as significant as the number: nearly every Congressional district is represented.

THE industrialization mobilization that preceded but was rapidly accelerated by the Korean War found small business no more anxious than big business to abandon rising consumer markets for defense production. Even before the outbreak of the Korean War, business was recovering from the 1949 recession and the civilian market was on the upgrade. A great many GIs had set up firms of one kind or another in the post-1945 period and by 1950 were just beginning to "get on their feet." An older generation had vivid memories of what happened to small business during World War II: from Pearl Harbor to the middle of 1943 the number of small establishments declined by 16 per cent. Big business could be induced to superimpose a military program on existing consumer production schedules by the government's offer to finance, under the accelerated tax-amortization program, the construction of new "standby" or "parallel" plants to take care of defense work. But with small business the government had to use a stick as well as a carrot.

Washington's reconversion carrot for the small-business man was an assurance of preferred treatment. This time, the government said, he would get his share of defense work. The Select Senate Committee on Small Business was set up a few weeks before the outbreak of the Korean War to encourage "the participation of small business in military procurement." A similar intent was manifest in the Defense Production Act of 1950 and, under a July, 1951, amendment, the Small Defense Plants Administration had been created to give more prime contracts to small business. Various executive orders were issued aimed at "broadening the industrial base" and "encouraging subcontracting." Small-business defense clinics—designed to show the small-business man how to get defense orders—were held across the country. The armed services set up special small-business divisions and added literally hundreds of liaison officers to encourage subcontracting. With much fanfare, the air force launched Operation Pacemaker—a special program designed to give small business a larger share of aircraft procurement. Seldom has small business been catered to in this fashion.

If the "carrot" proved to be an illusion, the stick was real enough. Even before the outbreak of the Korean War it was virtually impossible for small business to obtain scarce materials, particularly copper, steel, aluminum—precisely the materials that most small manufactur-

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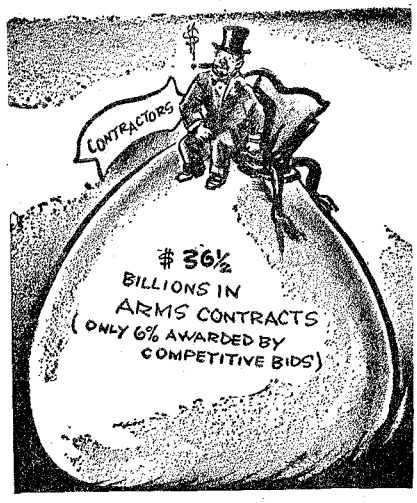
ing plants needed for their civilian or regular production. Even if a small plant got a DO—a defense-order priority—it could not always get scarce materials. Most small plants are not diversified; they purchase materials, for the most part, through jobbers and warehouse suppliers, not from prime producers. Caught in the materials squeeze, small business had to bid on defense work as a condition of survival. But the prime contracts—the so-called "hard core" of the defense effort—went to big business, which alone had the necessary productive and financial resources. A hundred large corporations received 62.4 per cent of the value of all prime contracts awarded from the outbreak of the Korean War to June, 1952. In 1951, the three services awarded small business about 20.8 per cent of the total dollar value of procurement; but for the year ending in June, 1950, the average figure was 24.5. During World War II the figure had been as high as 34.5 per cent (small business, after all, accounts for something like 40 per cent of the nation's productive capacity).

MUCH of the politics of the cold-war period is implicit in the vicissitudes of the Master Freeze Company of Sister Bay, Wisconsin, as related to the Senate Committee on February 12, 1952. The company manufactured prefabricated refrigerators, food freezers and milk coolers for the civilian market. The number of employees varied from twenty-five to 225. Founded in 1946 with family funds—the outside capital amounted to only $4,000—the company managed to show a net worth of $79,000 by 1949. The materials squeeze forced it to enter a bid for defense work. The bid—the lowest—was opened on May 3, 1950. With the Korean War, prices for materials and labor skyrocketed. Net result: the company lost $81,710.10 on its first defense contract and was forced to lay off all but six of its employees. The impact on the economy of Sister Bay can be readily imagined. Master Freeze was the only industrial plant in the peninsula of Wisconsin where Sister Bay, population 500, is located. With the backing of the community, officials of the company had come to Washington to seek an adjustment—and more defense work. That is how the story came to light.



Partymiller in York (Pa.) Gazette and Daily

What a System!

In this and many similar situations one can see how it came about that the Democratic Party's efforts to win a larger share of the arms pie for small business created an enormous mass pressure at the grass-roots for larger military appropriations. Although the relative position of small business was weakened, many small firms did enjoy, for a time, a delirious interlude of prosperity. With from 40 to 60 per cent of their entire productive capacity devoted to defense work; many small firms could afford to dismantle sales organizations. Profits soared as sales costs declined. One firm reported $4.2 million worth of business with sales costs of only $10,000 (later the same firm spent $24,000 to get new civilian business which grossed only $450,000). It is not surprising, therefore, that a kind of March-on-Washington—from Main Street—should have taken place. Five percenters thrived and the sale of mink coats and deep freezes boomed. A small-business man told the Senate committee that, in one year, he had spent $20,000 and twenty-two weeks of his time in Washington chasing defense orders.

The chasing, however, was mostly waste motion; small business got a steadily diminishing percentage of defense work. It received 51 per cent of the total dollar value of *advertised* procurement but managed to get only 18 per cent of the dollar value of *negotiated* procurement. Procurement-by-negotiation tends to be non-competitive; procurement officials naturally find it easier to negotiate with one large corporation than with many small firms. And vague phraseology in executive orders and legislation made it possible for department heads to decide that more and more items were best procured through negotiation. "A great many small concerns," one witness testified, "find that negotiated prime contracts are very hard, I might say almost impossible, to find." Later the Defense Department prepared a list of "preferred firms" for a great many "essential items"; even the Senate Committee was unable to pin down the precise meaning of the preference. In resigning as head of the Small Defense Plants Administration, Telford Taylor charged that the Defense Department's delay in implementing directives in favor of small business reflected an "apparent hostility." Then and since, small business has complained about the ambiguity of the phrase "or equal quality" in advertised bids; of unrealistic delivery dates; of tricky specifications; of its inability to secure progress payments; of Pentagon red-tape. At one hearing, former Senator Benton remarked that a small-business man was one who could not afford to keep a lobbyist in Washington. This remains an excellent "operational" definition.

NOW and then a small-business man appeared before the Senate committee who was able to take a detached view of the position in which he and his colleagues found themselves. One of these—John Orchard—told the committee that it was "like fifty people at a picnic going after twenty-eight hot dogs. . . . If there are small boys among those fifty people—and lots of us are small boys—then it is kind of rough, particularly when the big boys are in the first row around the barbecue pit." Remember, the total military budgets of the cold-war years were never more than about 50 per cent of the peak World War II budgets and America's productive capacity had greatly increased in the meantime. Three years after Korea, the Senate committee reported that "thousands of small businesses" were "still feeling the pinch." There just didn't seem to be enough defense work to go round.

But small-business interests failed to appreciate the meaning of the accelerated tax-amortization program which enabled big business not only to walk off with most of the defense

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work but to enlarge its share of the civilian market. Since this program was initiated in November, 1950, fast tax write-offs have been authorized covering private-capital outlays of $36.3 billions. For the whole period, November, 1950, through 1956, the program has resulted in an estimated tax loss of $2.8 billions and, should taxes be reduced now or in the immediate future, the government will never recover this amount or anything like it.

The great bulk of the write-off certificates have gone to big firms. In 1954 only 11 per cent of the proposed capital investment authorized under this program went to small business; for 1955 the small-business share had dropped to 8 per cent. In theory, write-off certificates are issued only in connection with needed defense facilities; but, since 1950, certificates have been *concentrated* in primary metal manufacturing, private utilities, railroad transportation, chemicals and allied products, and petroleum and coal products. Oddly enough, there has been *a sharp rise* in certificates in the past six months despite official assurances in 1951 and again in 1952 that the program would soon be terminated.

THE effect of the amortization program has been this: government has largely underwritten a huge plant-expansion program which has enabled big business to take on defense work without cutting back production for the civilian market. Small business had an equal right to apply for certificates but obviously failed to come off with its share. But the taxes paid by small business have helped to support the program. And now that the emergency is about over, what assurance does small business have that the vastly expanded industrial plant operated by big business will not be used to its competitive disadvantage? Small wonder that Secretary Humphrey, in urging a cessation of the program, should have characterized it as "an artificial stimulus of a dangerous type" and then gone on to say that encouraging industrial production by an inducement of this kind "is not the American way." More ironic than the fact that this stricture on the accelerated amortization program should have been voiced by the spokesman for a big-business Administration is the circumstance that this remarkable giveaway to big business should have been sponsored by a Democratic one.

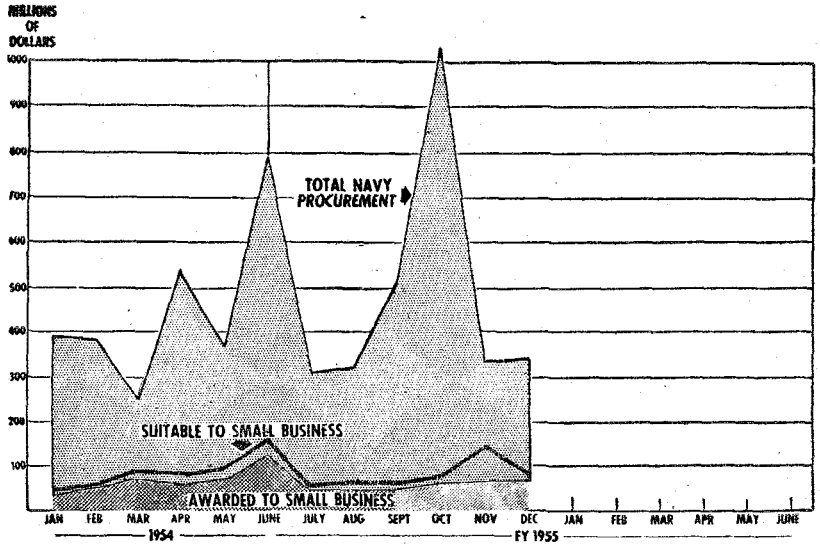
By 1952 the Korean panic began to subside and the cutbacks began. Big business, of course, could afford to be philosophical; in the post-Korean period it had gobbled up the major share of the civilian market and accumulated huge cash reserves. But small business had not been able to operate "parallel" plants for military orders; reconversion for small business often meant starting from scratch, reassembling a sales force, reentering the civilian market against formidable odds. Then, too, the profits of small business, after taxes, had shrunk, while the profits of the largest corporations had increased. Small business lacked funds to convert or expand. The larger firms had prepared for the cutbacks by diversifying their holdings and operations and by using mergers to strengthen their competitive position. But the relative position of small business was weaker than before the Korean War.

The Senate committee lost little time in pointing out that the cutbacks "began to play havoc with many established prime-subcontractor relationships as the primes . . . pulled increasingly large amounts of work under their own roofs and cut out many of their suppliers completely." The committee found, for example, that a 20 per cent cutback in the amount of prime contracts usually means "a hundred per cent cutback of that corporation's subcontractors." "Experience shows," to quote the Senate report, "that when there is a decrease in general military buying, the subcontractors will feel the impact more acutely than the prime contractors."

In the period since Korea, rapid technological innovations have greatly changed the military needs of industry's biggest customer. Even before Korea, the army was the best bet for small business (it buys caps, shoes, shoe polish and brass buttons as well as guns, shells and tanks), the navy next best and the air force a poor third. Today about 90 per cent or more of air force procurement is handled by large companies; thirteen of the fifteen top suppliers of war materials from July 1, 1953, to December 31, 1954, were aircraft companies. In the first year of the Korean War, the air force spent $6.3 billions, a shade more than the navy and a little less than the army. Two years later the air force spent $15.2 billions and this year will spend about $16.8 billions (much more than the army or navy). In a year or so the air force total may well jump to $20 or $24 billions. Army expenditures for the current year are estimated at $8.6 billions; the navy, $9.6 billions.

The shift in the dollar value of procurement from the older services to the air force has a special significance to small business. The steady decline in the small-business share of the military procurement dollar since Korea has reflected, in part, the

Navy: Small Business Participation



Report of Select Committee on Small Business, U. S. Senate.

Amount of Navy Procurement Awarded to Small Business From January, 1954, to December, 1955

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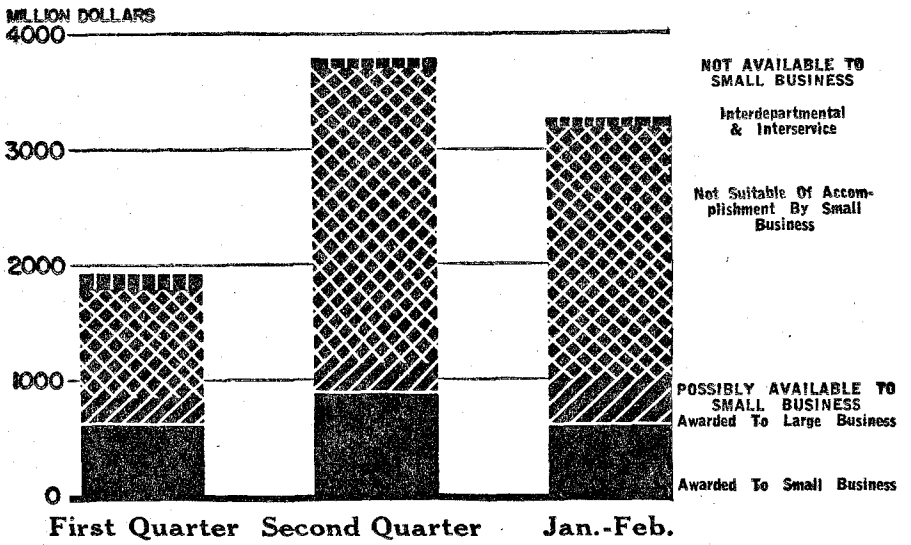
Army: Small Business Participation

All-Size Prime Contracts in United States For First Eight Months of Fiscal Year 1952



Report of Select Committee on Small Business, U. S. Senate

For the first eight months of fiscal year 1952, small business' share of all prime contracts awarded by the U. S. Army was approximately 24 per cent of the total dollar volume.

expansion of the air force and the relative decline of the other services. Here were the percentages of total dollar volume which the three services allocated to small business in 1951: army, 28.6 per cent; navy, 16.5; air force, 11. Today the percentages are estimated approximately as follows: army, 29.8; navy, 13.6; air force, 9.8. The fact is that none of the services has ever managed to award small business the full percentage of procurement for which it has been found to be "suitable" by Defense Department experts. And when the navy, in a realistic move aimed at helping small business, attempted arbitrarily to set aside a fixed portion of its business for the little guy, it was promptly told that the practice violated basic government policy.

AS THE air force expands, big business will increasingly monopolize procurement. The "empire builders" in the armed services are acutely aware of the problem this poses: small business, which has provided so much of the political support for cold-war policies, may become disaffected—the more so as cold-war tax policies have favored big business. Hence political strategists in the three services are working overtime to convince prime contractors that they must be more generous with subcontractors. They exhort, they argue, they issue directives, but the outlook for small business is not good. Indeed, it is clear to almost everyone except the small-business man that his real interests lie in the direction of a curtailed arms economy and an expanded civilian market. Not many B-52s are being made; they cost about $8 or $10 millions each. This is not the kind of production in which small business can compete.

Unfortunately, small business is shot through and through with contradictions. It is badly organized. Its spokesmen, too, are mostly cold warriors. At a recent House committee hearing in Los Angeles, one small-business man said: "the small-business man does not want charity—he just wants equal rights with the major companies." This he will never get. Indeed, an arms economy directly menaces small business. To the degree that the small-business man profits from procurement, his competitive position is usually weakened; what he gains on the military side, he loses on the civilian. Small business is invariably hardest hit when industry converts to war production; it is hardest hit also when the cutbacks come. The Senate committee sums it up this way:

> Small business thrives in a free economy. Statistics show that small concerns fare best in open competition. When materials and equipment and all the other necessities of commerce are available to all, large and small alike, small business can more than hold its own. Its size is no handicap. In fact, its size in many instances gives small business certain advantages of fast changing conditions and opportunities. . . . The ability of a small concern to concentrate and specialize on one product or one particular type of service also has its advantages. When a national emergency requires that controls be placed temporarily on the economy, however, many of these advantages are lost.

Yet it has been the pressure of small business for defense orders that largely accounts for the Democratic Party's consistent attempts to increase military appropriations. Although they berate the Republicans for advocating a "trickle down" theory of prosperity, the Democrats favor a trickle-down procurement policy. The small-business man is supposed to become a subcontractor. Recently Senator Chavez, who heads a Senate Appropriations subcommittee, succeeded in getting an extra billion for more B-52s. Other Democrats, notably Senator Symington, have been equally active in urging larger aircraft appropriations. In terms of strategy, it may be wise to increase aircraft appropriations, but it is not the way to help small business.

AT THE moment, big business is less warlike than small business; it can afford to be. But what would the outlook be if the consumer side of the market should shrink? Would big business then insist on an expansion of the military side of the government's spending? Dangerous vested interests have been created in our $39 billion defense budget. To be free from these pressures, American policy-makers should devise alternative means by which this country's vast productive machine can be fully utilized. It may not make much difference to the company that holds a defense contract—or to its stockholders or employees—whether the plant is used to produce milk-storage tanks or shells. But it makes a great deal of difference to the rest of us.

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In the one case we are asked to support production that is wasted; in the other—even if we were taxed to support it—we would be adding to the world's store of wealth and resources.

In the long run, production-for-waste cannot benefit any section of the economy—large units or small. Today, for the first time since the inception of the cold war, there is reason to hope that the waste of arms production can be curtailed. But the vested interests that have been created in a large military budget will continue to resist cutbacks unless an economic alternative is provided. Small business remains one of the most potent of these interests despite the fact that the likelihood of small firms getting a larger slice of defense work is even less now than it was at the outset of the cold war.

SOVIET LEGAL REFORMS

Steps Toward Justice . . *by Harold J. Berman*

ALL REMAINING doubts concerning the existence in the Soviet Union of a system of arbitrary arrests, extorted confessions, secret trials, political executions—in sort, a system of terror—have been entirely dispelled by the Soviet leadership itself. A large part of Khrushchev's famous "secret" speech to the Twentieth Party Congress last February consisted of detailed testimony of Stalin's systematic violations of what we would call due process of law. The question remains, however, how the post-Stalin regime proposes permanently to eliminate the "arbitrariness and lawlessness" which Khrushchev denounced.

To find the answer one must view Soviet internal developments in broad perspective. As dramatic and powerful as was Khrushchev's speech, it preached essentially the same doctrine which the Malenkov government announced immediately after Stalin's death in March, 1953, and which since has been repeated with increasing vigor. "Collective leadership" and "the strengthening of Socialist legality," the two main positive themes stressed by the party secretary last February, have been major domestic policies of the post-Stalin government since its inception.

It took the Twentieth Party Congress to awaken most Americans to what has been going on inside Russia for three years—namely, that the Soviet leadership presents itself to the Russian people as a reform government intent on doing away with abuses of the past and on making concessions to popular dissatisfaction. Every Russian-speaking American who has been in the Soviet Union recently will testify to the popularity which the new regime has earned by its promises of reform and by its step-by-step fulfillment of those promises. "Things are much better since Beria," I was told by dozens of Russians in Moscow last August and September. "We are much freer now; the climate has changed." And they documented these statements.

MOST of the reforms—those achieved as well as those only promised—involve changes in Soviet law; their significance must be assessed in the light of Soviet legal developments of the past twenty years. In that light they appear neither as a fundamental constitutional change in the Stalinist system nor as a mere propaganda stunt, but rather as a substantial strengthening of the legal order and a substantial increase in the legal rights of the people.

Many Americans believe that if any legal system operates in the USSR at all, it must have been invented after Stalin's death. Yet it was Stalin who proclaimed in the mid-1930s, "We need stability of laws," and it was Stalin's Attorney General Vyshinsky who then led the movement against the nihilistic theories of law which had previously prevailed. For the past twenty years "Socialist legality" has been invoked for greater protection of rights of property and contract, of family responsibilities, of procedural guarantees in court cases, of judicial independence from local party pressure, of the lawyer's obligation to serve his client's interests. This trend toward orthodox legal institutions and doctrines since the mid-1930s was linked with the return to conservatism in many other areas of Soviet social and economic life, such as family integrity, military honor, money incentives.

Any American in Russia today can visit Soviet trial and appellate courts (though not the Supreme Court, whose sessions are generally closed) and see lawyers, or the parties themselves, arguing their cases before a three-judge court (at the trial level, a professional judge and two laymen; on appeal, three professional judges)—not only in criminal prosecutions but also in civil disputes over rights to living space, title to houses, job reinstatement and back pay, divorce, author's royalties and a host of other matters. It is worth noting that a special system of courts decides contract disputes among state business enterprises, and that there are over 400,000 such cases tried every year.

Stalin learned that a planned economy cannot function without a highly developed legal system, and that law is an essential means of preserving stability even in a Socialist society. But the *role* of law must not be confused with the *rule* of law. Under Stalin, hundreds of thousands of persons suspected of political or ideological opposition were

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ruthlessly liquidated, usually without even a pretense of a fair trial. The notorious three-man "Special Boards" of the Ministry of Internal Affairs (M. V. D.) were authorized by statute to sentence for long terms in labor camps persons considered to be "socially dangerous." The boards met in secret and followed an administrative procedure in which there was no right of counsel and no right of appeal. These *troikas,* as the Russians nicknamed them, were the chief legal instrument of terror in the purges of the late thirties and in the wartime and post-war campaigns against dissident groups and individuals in Poland, the Baltic states and elsewhere.

Reserved for some of the more important victims of the terror was a special procedure introduced in December, 1934—mentioned by Khrushchev in his February speech—for trial of persons charged with espionage, subversion and terrorist acts. Such persons were subject to secret trial in the Military Division of the Supreme Court of the USSR without right of counsel and without even the right to be present; the trial took place within twenty-four hours after indictment and sentence was executed immediately, with no right of appeal or even of plea for clemency. Many of the victims of Stalin's despotism were dispatched by this special procedure, and it was used, with variations, by his successors against M. V. D. chief Beria and Minister of State Security Abakumov.

SHOCKED by the system of terror which Stalin perfected for dealing with real or potential political enemies, we in the West have paid insufficient attention to the system of law which he simultaneously sponsored for solving social and economic, as apart from political, problems. Many have taken it for granted that a system of law and a system of terror cannot coexist without terror swallowing up law. The importance of the struggle for law since the mid-1930s is clearly apparent today, when, with Stalin's death and Beria's execution, some of the oppressive measures of past decades are being renounced and law is serving as a means of promoting both the popularity and the efficiency of the new government.

A few weeks after Stalin's death,

Fitzpatrick in St. Louis Post-Dispatch

"Yesterday's lesson was wrong"

on March 27, 1953, an amnesty decree was issued which not only provided for the release of a large proportion of people who had been convicted of non-political crimes but also declared that the penal law must be re-examined with a view to eliminating criminal responsibility for various acts and lightening criminal punishment for others. Shortly thereafter the theme of "strengthening Socialist legality" began to be stressed in the Soviet press. The political implications of this became evident when, in April, the doctors who had been accused under Stalin of plotting the deaths of various Soviet leaders were exonerated and the security officials who indicted them were charged with using "impermissible procedures" to extract confessions.

However, the first post-Stalin major law reform did not derive from the decree on amnesty or from the exposure of the doctors' frame-up, but from the denunciation of Beria in July. Soon afterward the Special Board of the M. V. D. was abolished by an edict of the Presidium of the Supreme Soviet—a committee of thirty-three members of the Supreme Soviet which enacts laws between sessions of the larger body. The edict was not published. No American knew about it, apparently, until last August, when I was informed of it by a score of leading Soviet law professors, judges, lawyers and Ministry of Justice officials. It still remains unpublished, though it was referred to, for the first time, in a Soviet law journal last January and it was shown to a visiting French delegation by the president of the Soviet Supreme Court last April.

The abolition of the Special Board restores jurisdiction over so-called counter-revolutionary crimes to the regular courts and to the military courts (which are permanent tribunals with professional military judges, governed by the same codes of criminal law and procedure as the regular courts but with jurisdiction over military crimes and over certain political crimes.) Persons previously convicted by the Special Board are having their sentences reviewed either in the military or in the regular courts. Khrushchev said last February that from 1954 to that time the Military Division of the Supreme Court had rehabilitated 7,649 persons who had been unjustly convicted.

A second major reform in the sphere of political crimes took place in April of this year, when the special procedure in cases of espionage, subversion and terrorist acts was abolished—and this time the edict was published. The military courts still have jurisdiction over these crimes, but the trial is now supposed to be public and the accused has the same procedural rights accorded to persons charged with non-political crimes.

THE long-range significance of these two reforms is not that the leadership has given up any of its power to prosecute and imprison those whom it considers enemies, but that it has agreed to do so through public trials and by orthodox procedures instead of through the hated M. V. D. This is a symbol not only of the reduction in importance of Beria's organization, but also of an effort to introduce legality into the realm of politics itself.

The limitations of this effort are far more severe, however, than the word "legality" suggests to an American. The very notion of a secret law —that is, a law revealed only to officials immediately concerned—is an intolerable violation of justice. Furthermore, so long as Article 58 of the Soviet Criminal Code, defining various counter-revolutionary crimes, is not completely revised, it remains possible for a Soviet court to convict a person for any act "directed toward the overthrow, undermining, or weakening of the authority of the . . . Worker-Peasant governments of

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the USSR." Despite the fact that the Soviet Supreme Court in 1938 interpreted Article 58 as requiring the showing of a "counter-revolutionary intent," the language is still vague enough so that mere dissent from the party line may be a punishable offense.

On the other hand, it is a mistake to conclude that these two major reforms are just window-dressing. As a leading Soviet legal scholar and official of the Attorney General's Office said to this writer last August: "It is true we are not planning any substantial change in the law on counter-revolutionary crimes. But the climate has changed, and that has great significance."

The state of law in the new Soviet climate is well reflected in the report of an American journalist recently returned from the USSR. He states that he saw the trial of several men accused of "counter-revolutionary agitation." They were charged with making propaganda for Zionism. They pleaded not guilty and defended themselves vigorously. They were convicted by the trial court. There is no way of knowing whether they appealed and whether the appellate court sustained the conviction: since 1950 Soviet Supreme Court decisions are not available to the public. What is unusual is the plea of not guilty in a political case, the vigorous defense and the public trial.

THE change in climate, insofar as it relates to broader political and ideological freedom, may prove to be temporary. Insofar as it relates to other aspects of the legal order, however, it has produced definite and substantial reforms which give every evidence of being enduring.

In accordance with the provision of the 1953 amnesty decree that "criminal responsibility for certain official, economic, moral and other less dangerous crimes" should be eliminated, a 1954 law abolished criminal responsibility for women who consented to abortions and a 1955 law eliminated all restrictions on abortions performed in hospitals or medical establishments.

Even before Stalin's death—as early as 1951—criminal sanctions introduced in 1940 against a worker's quitting his job were allowed to lapse—again under an unpublished edict. This year, the 1940 law was explicitly and publicly repealed. Criminal penalties against managers of state business enterprises for sale of surplus equipment were revoked in 1955. Also the law which makes a collective farmer criminally liable for failure to fulfill the required amount of work on the collective fields is reportedly repealed.

Conditions in the corrective labor camps have been made subject to closer supervision by the Attorney General's Office (the Procuracy). Procurators are now themselves subject to disciplinary or criminal responsibility for failure to report abuses by camp officials.

The president of the Moscow Bar (College of Advocates) told this writer that the power to disbar a lawyer is to be transferred from the Minister of Justice—who now, he said, may disbar without stated reasons—to the presidium of the College of Advocates. It is very doubtful that he would have said that the Minister of Justice now has this power if, in fact, it were not true that it is about to be taken away from him.

In June, 1956, it was announced that a legal commission will be appointed to reform and systematize legislation on the court system. The most important reforms are still in the planning stage. A new criminal code and a new code of criminal procedure are "almost completed," according to Soviet law professors and officials who are working on them. The new codes, they state, move in the direction of "humanization" and "democratization" of the law.

The specific changes which are planned, however, like those already introduced, must be understood as reforms within the Soviet system of law and government and not as a reform of the system itself. There is no thought of erecting laws which would formally or practically limit the power of the leadership of the Communist Party in any way; "democratization" in the Soviet context does not carry the implication of opposition parties or an opposition press. Nor is it contemplated to restrict the leadership from dealing with particular problems or particular people in an "exceptional" fashion; "humanization" in the Soviet context does not carry the implication of mercy towards enemies.

The reform movement mitigates the harshness of the Communist system and thereby increases popular acceptance of it. There is a renewed emphasis upon the rights of the individual, but these rights are conferred by the state as a matter of grace in order to encourage industry, initiative, respect for law, respect for the state. The Soviet government is seeking to create a working totalitarianism which will satisfy the needs of the Russian people for justice in their personal and social relations without altering the leadership's monopoly of political and ideological power.

TO DISCOUNT the significance of this effort, in terms both of its initial successes and of its long-range challenge, is to hide our head in the sand. It is of course true that so long as top-level Soviet politics is beyond precise legal definition and institutionalized legal controls, a recurrence of Stalinist mass terror is always a possibility and the continuation of severe political pressure against individuals who defy the party line is inevitable. What we can learn from current developments in the Soviet Union, however, and indeed from the last twenty years of Soviet history, is that there is a struggle and a hunger for law in Russia which makes itself felt even within the top leadership.

Under Stalin, law was for the masses but it could barely penetrate the high walls of the Kremlin. Now Khrushchev denounces Stalin's "brutal violations of Socialist legality," and by eliminating the Special Board of the M. V. D. and the special procedure in the Military Division of the Supreme Court, his government has removed the major symbols of those violations. We should welcome these significant gestures toward legality in Soviet political life. We should also welcome the important reforms in criminal law, labor law, court procedure and other aspects of the Soviet legal system.

At the same time we must fear these developments, for they create the challenge of a working totalitarianism which operates by law and with law but not under law. We must recognize that the competition of legal systems may prove to be one of the crucial aspects of that "peaceful competition" to which America and Russia are now committed.

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VIEW FROM TANGIER

The Spreading Arab Tide . . *by Paul Bowles*

Tangier

WALK DOWN into the Zoco Chico any night. In the little square lined with cafés you can see that in fact, if not officially, the integration of Tangier with the rest of Morocco has already taken place. Instead of the customary assortment of European tourists and residents, elderly Moslems in *djellabas* and native Jews from the nearby streets of the Medina, you are likely to see sitting at the tables no one but young Moslems in European dress—mostly blue jeans. From time to time a noisy cortege passes from a side street through the open space and disappears into the darkness of another alley: two or three policemen leading a protesting Moslem in torn clothing. He has been caught drinking wine or beer and is on his way to the commissariat. Tomorrow he will be given a sentence of six months in jail and a fine of 500 pesetas. If it is a woman, she will receive the same sentence plus an additional penalty: her hair and eyebrows will be shaved. It is a good law because it was made in Rabat by Moslems; there is no need to consider it further.

AND THE Europeans who used to be here every night, where are they? Safe in their houses, or sitting in the fluorescent glare of the French and Italian cafés of the Boulevard Pasteur. They know better than to wander down into the part of town where they are not wanted; besides, everyone is whispering that members of the Army of Liberation have arrived in Tangier, and that is certain to mean trouble. But the weeks succeed each other, and nothing happens. Is it possible that Tangier is going to stay like this—sober and joyless, the brothels boarded up, the *camareros* of the cafés piling their chairs and pulling down their blinds at twelve-thirty or one, and after that the streets so quiet that one can hear the crickets singing and the roosters crowing from the rooftops? And great banners strung from building to building across the streets, proclaiming in Arabic characters that two Moslems of the opposite sex caught walking or talking together (unless they can prove they are married) will be prosecuted? There is, of course, no way of telling, but it is certainly a possibility that this may be a permanent state of affairs.

The *Wall Street Journal* recently ran a front-page article under the heading: "Tangier Turmoil: Tiny, Shadowy Land of Fiscal Freedoms Has the Shakes." For the moment, at least, it is quite true. Discussions of integration are ubiquitous, inexhaustible. Your Spanish barber says: "We are living in bad times. *Es una pena.*" The French waitress tells you: "It's going to be very difficult, *vous savez.* How shall we live?" The English lady sitting near you in the Café de Paris is heard to remark: "Isn't it too sad? But I do think we shall be able to stick to it, don't you?" The American bar owner stares nervously around his establishment and

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The Status of Tangier

IN THE Franco-Moroccan agreements of March 2, 1956, the French government admitted that the 1912 Franco-Moroccan Treaty of Fez, which had established a French protectorate over the whole of Morocco had become outdated. Less than five weeks later—on April 7—Spain recognized the independence and sovereignty of Morocco, thus bringing to an end her forty-four year guardianship of the Spanish Zone of Morocco. . . . Tangier remained the only [important] area over which the Sultan's full sovereignty had not been acknowledged.

France and Spain had now by implication accepted the need to reconsider [Tangier's] status as defined by the International Statute of 1923 (an outcome of the Fez Treaty). As revised in 1953, the statute is in force today. Under it, the zone is administered by an International Legislative Assembly of twenty-seven members over which a control committee—composed of the diplomatic representatives of Britain, France, Spain, the United States, Italy, Belgium, the Netherlands and Portugal—has a power of veto.

After the return of the exiled Sultan, tension in Spanish Morocco was reflected inside the International Zone by anti-Spanish demonstrations. On April 30, the Moroccan members of the International Legislative Assembly proposed that no more laws should be made by the Assembly since independence now gave full legislative powers to the Sultan. After a majority had voted for the reference of the motion to committee, all the Moroccan members—Arabs and Jews—withdrew from the chamber. . . .

On May 4, the International Control Committee, by agreement of its members, decided to renounce its legislative powers in order not to interfere with the powers of the Sultan. The administration of Tangier may therefore be said to have broken down. In the following week Spain, the United States and Britain indicated their willingness to consider the possibility of revising the statute.

Many Moroccan nationalists, though they believe that the zone will eventually come under Moroccan administration, wish to see the present economic freedom of Tangier preserved because they consider that a free money market could be a valuable asset for a newly independent country in need of foreign investments and loans.

—"The World Today": Royal Institute of International Affairs, London.

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confides: "I don't want to be in on it. I'm getting a line on a little place in Tobago. I think that's for me." *It* means official integration; non-Moslem Tangerines are more inclined to wonder when it will come than they are to consider exactly of what it will consist. They are convinced that it won't be good for them; beyond that there is no way of being sure about anything.

The cost of living, on its way up now, is estimated to be due for a hundred per cent increase, but that is not their principal preoccupation. Will integration mean, for the first time in Tangier, property taxes, an income tax, a levy on bank holdings, the creation of a new currency—sole legal tender—whose value will be set at an arbitrary rate of exchange? Will it be all these things, plus eventual confiscation of non-Moslem businesses? Will Europeans be forced to leave, or, worse, will they be able to get out in time if violence becomes the order of the day? The ordinary mortal is not in a position to answer, and the few political leaders who are, or who should be, prefer to give the most evasive sort of replies. An interview with Abdelhalak Torres, leader of the defunct Reformist Party (now merged with the Istiqlal) appearing in *España* on May 30, quoted him as saying, in reply to a query as to the future of Tangier: "It is not easy to answer a question which demands first of all knowing what the definitive opinion of those qualified to speak is going to be. . . ."

THE outsider must form his opinion regarding things to come both by reading interviews such as this, given purely for the benefit of European residents, in which there are always multiple assurances that shortly all will be well, and by reading condensations of the addresses given by the same political chiefs to the Moslem population, in which a rather different note is constantly reiterated. These speeches are earnest pleas for cooperation in the government's attempt to restore order.

Why is it that, among the Europeans, even those most sympathetic to the new regime are dubious about the immediate future? It would be absurd to expect things to run smoothly; a certain initial instability is normal in such cases, one might argue. I can trace my own doubts to the fact that I believe the whole present situation in North Africa is due to a vast series of misunderstandings. The Moslem and Western points of view are basically irreconcilable. "Independence within Interdependence," France's famous formula for Tunisia and Morocco, is so much meaningless doggerel to the man in the street, to whom independence means the power to organize an army strong enough to rid his country once and for all of the Christian invader. Everywhere Islam is emotionally committed to the principles of Bandung; nothing but the passage of time can alter that. Habib Bourghiba and Sultan Mohammed ben Youssef, on the other hand, although their ultimate aims are those of the people of their respective countries, are at the moment involved in an attempt to achieve those aims through a considerable amount of collaboration with the West. It is an untenable state of affairs, and modifications are inevitable; when and what these will be depends primarily on the outcome of the Algerian war. For it is in Kabylia, the Aurès, the Nementcha, the Medjerda, not on the Quai d'Orsay, that the fate of North Africa is being decided.

THE question of Algeria continues to be the stumbling block in the road of negotiations between France and Morocco. It could scarcely be otherwise. There is not a Moroccan who is not passionately desirous of seeing the Algerian Army of Liberation victorious in its unequal war against French colonialism. Now that Morocco is independent, what France had feared might happen has become reality: the Moroccan Army of Liberation, in spite of its ritual submission to the Sultan in March, has set up recruiting stations in the cities and supply centers for the Algerian army in the waste lands of eastern Morocco along the Algerian border, activities which France is legally powerless to prevent.

For a long time the Moroccan government has hedged whenever the Army of Liberation was mentioned. First it no longer existed, having supposedly been disbanded when certain tribal chieftains journeyed to Rabat to present their arms to the Sultan. Then it did exist, but was merely maintaining order in disturbed areas. During these weeks there were constant encounters between it and French security forces in the Central Rif, the Middle Atlas and the extreme northwestern corner of Morocco. Villages and plantations were raided, French officers and Moslem dignitaries were abducted, French military convoys ambushed and an effective campaign of sabotage was carried out.

When in mid-May the new Moroccan army was formed in Rabat, the question of the Liberation Army's precise status once more became paramount. It was then announced by spokesmen of the Liberation Army that their organization was being integrated with the official army of the Sultan. The Minister of Defense, Si Ahmed Reda Guedira, upon being questioned as to the accuracy of this report, replied: "I have no idea."

THE PRIZE question is, of course: where is the seat of power? Who takes orders from whom? Ambiguous statements such as Guedira's are certainly instrumental in lessening one's inclination to take official declarations at their face value. There is obviously a need for an army and a police force able to cope with the widespread lawlessness which could conceivably return Morocco to its ancient condition of anarchy. But just as surely as the country at large would profit by the reestablishment of order, certain active minorities are interested in augmenting the chaos. Not only the common bandits on the highways, but also the organized colonial diehards, as well as the extreme political Left, are—to put it gently—disinclined to assist the government in its difficult task. And the new government needs all the help it can get. Being wholly dependent upon the French for guidance in administrative operations, it cannot afford to antagonize them too openly by giving voice to the political opinions of the Moslem majority, opinions whose tenor is distinctly Francophobe. In the mind of the illiterate private citizen the settling of accounts has scarcely begun. There are still thousands of evildoers, most of them Moslems who in the past have made a business of collaborating with or informing for the French authorities, who remain to be liquidated. The Moslem population lives in the expectation of eventual large-scale violence, and for vari-

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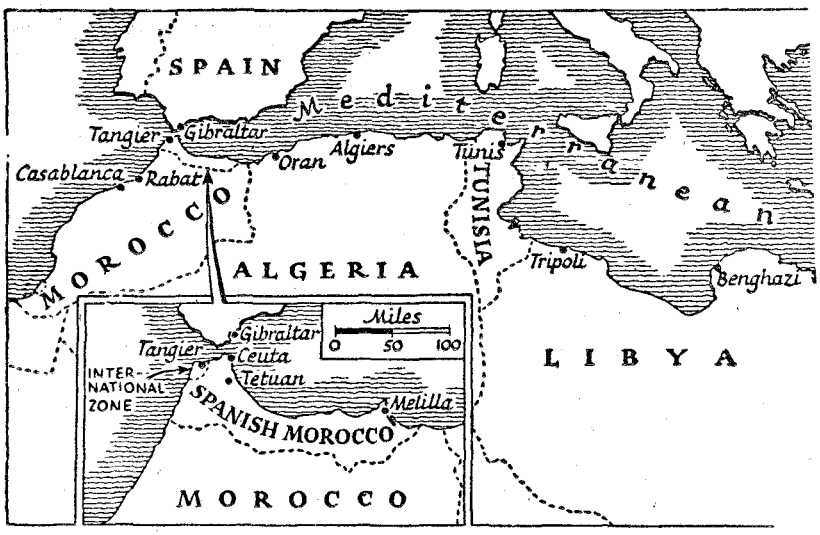

ous reasons—social, political, historical—it seems likely that it will not be disappointed.

The two men most influential in forming Morocco's political atmosphere at the moment are both in Cairo: Allal el Fassi, the religious teacher turned politician, founder of the Istiqlal Party: and the intransigeant old soldier, Abd el Krim. Certain differences of opinion have recently been reported as existing between them, but the two are in disagreement only as to tactical procedure. Allal el Fassi is willing to negotiate with the French (that is, to determine the provisions of "interdependence") while the latter are still on Moroccan soil in an advisory capacity; Abd el Krim insists that no agreements can be reached so long as one French soldier remains anywhere in all North Africa. Since there are in the neighborhood of 50,000 French soldiers here at present, with more reservists arriving each week, Abd el Krim's program seems unrealistic, and if put into practice would be likely to enlarge the theatre of war, which is something that responsible people on both sides hope to avoid. Both men have the classical Moslem fervor, which is to say that they are both extremists in their religious xenophobia. If you have the hardiness to frequent the little cafés in the back streets of Tangier's Medina, you can see their portraits flanking that of the Sultan. Usually on another wall, by himself, is Egypt's Gamal abd el Nasser in full military regalia; he is the teen-agers' hero, the man who succeeded in throwing out the Christians and is getting along beautifully without them.

And so it is understandable that the Europeans who live here in the still-International Zone should be uneasy. More than the other cities of Morocco, Tangier, because of its lack of town planning, normally demands a constant sidewalk mingling of its population. The European city is sandwiched in between the old Medina and the big new proletarian Moslem town which in the past decade has grown up out of the fields and sand dunes. Harmony among the various elements of the population has always been taken for granted in Tangier, and the city has attained its physical form in accordance with this.

THE Europeans are continuously in touch with the Moroccans whether they like it or not, and they can instantly recognize the prevailing mood of the hour. There is none of the fatal pretending to be "back home in France" in which the French used to indulge in places like Casablanca and Algiers, with the result that they quite forgot their status of guests in a foreign land. In Tangier you know what the Moslems are thinking, how they feel. They sit in the hundreds of tiny cafés, listening to the news bulletins, broadcast not in their own Moghrebi tongue but in standard Arabic (of which most of them have an imperfect understanding, but sufficient to seize what is being said). When the news is bad, the whole city seems darkened by a collective scowl, and it is not merely imagination that makes the non-Moslem passer-by feel that the scowl is directed at him. The radio is roaring to each Moroccan that Christians are killing Moslems in Algeria, that Christians still own the best land in Morocco, that Israel has not yet been destroyed, that Tangier, his native city, is still cut off from Morocco, his native land. In addition, each afternoon at four-fifteen Radio Cairo beams to North Africa a special program of vitriolic propaganda in which the French, the English and the Americans are portrayed as monsters of evil. On the other hand, when there is a bit of good news, such as a successful ambush in which a fair number of French troops are destroyed, or a couple of helicopters shot down, everyone is jolly. There is no danger of getting out of touch with reality here. Even if like most of the residents you exercise prudence and stay out of the Moslem city you are always among Moslems.

ON THE first of June here in Tangier, Si Ahmed Balafrej, the Moroccan Minister of Foreign Affairs, made a series of declarations which one seems to have read in print innumerable times before: the Sultan was desirous that the integration of Tangier with the rest of Morocco should be effected in an atmosphere of calm; every possible precaution would be taken to safeguard foreign investments; the standard of living would rise as a result of the transfer of powers; a transitional regime was envisaged before the definitive taking over "in order not to paralyze the life of the city"; and, most important, His Majesty's subjects in Tangier must be given the impression of not being in any way separate from the "central power."

Whether or not the free money market, Tangier's principal *raison d'être,* is to be allowed to continue in existence the Minister refrained from saying. But as long as there is any kind of frontier, the Moroccans will be voluble in complaining of Tangier's "isolation," and most Europeans find it difficult to see how a free currency market can be maintained without some sort of border control. Yet a way may be found.

So far everything is quiet. Whatever happens, we can scarcely find fault with the Moroccans' aspirations to national independence or their efforts to right some of the injustices which have for so long prevailed in their country. Nor can they, for their part, criticize our attempts to understand as clearly as possible a situation which for their own various purposes they may often prefer to leave nebulous.

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The Age of Re-Forming History

By William Appleman Williams

POWERFUL though it is, and perceptive as it may be, the Pulitzer Price Committee raised more questions than it settled by awarding this year's honors in History to Richard Hofstadter's *Age of Reform.** The issue is not whether Hofstadter can write first-rate History. He has done so: recently in *The Development of Academic Freedom in the United States,* and earlier in *The American Political Tradition.* But he did not win the prize for either of those works. Instead, he received it for a volume which is not History, and which does not match their quality. Neither, for that matter, is it as well written as either of them. An examination of the nature, methodology and implications of *The Age of Reform* may offer insights into the outlook and standards of the ascendant group of American intellectuals.

The Age of Reform is the full statement of a theme that Hofstadter has been developing, in various articles and lectures, during the past five years. The liberal, he says, has become a conservative. Much of his argument, delivered in a stage whisper, amounts to an extensive criticism of radicals. None of this is original, but Hofstadter does present it in the most up-to-date intellectual fashion, and he has an audience that accepts his interpretation as a justification for its own ideology.

This audience is composed of the New Liberals, those first cousins of the species known as Flying Buttress Catholics. Whatever their appearances to the contrary, both groups support The Existing Institution. Hofstadter's work in the temper of *The Age of Reform,* which includes his essays on Charles A. Beard, Manifest Destiny, and the New Conservatism, appeals to this New Liberalism because it explains and justifies what the liberal has been doing—and what he has not done. Hofstadter's analysis offers the liberal all this world and heaven, too. For it implies that wisdom, the pot of gold, the moderately baggy tweeds of acceptability and a favorable verdict from History itself are all to be found along or at the end of the road of least resistance.

All this may be just what contemporary psychiatry prescribes for achieving serenity in an age of rapid and extensive change, but it is not History. It is, in fact, a transformation of History into Ideology. Whether or not this has been carried out consciously is not even a very interesting question, let alone a relevant or a rewarding one. However reached, the conclusion indicates that the predominant group of American intellectuals is so wholly immersed in contemporary American society that no member of it can deal with the past, present, or future save in terms of the present.

Thus a more pertinent inquiry into Hofstadter's History concerns its methodology and implications. His approach has two central features. None of these studies is based on extended research in the primary evidence. In place of research, Hofstadter has come more and more to apply the concepts of social psychology—and in particular the idea of the struggle for status—to the research of other students and to a narrow selection of published evidence.

There is no indication, for example, that he has subjected Julius K. Pratt's study of the coming of the Spanish-American War to rigorous internal criticism, an exercise which opens up sizable gaps in its thesis. Nor does he investigate the primary sources. Even when dealing with one man, as in the essay on Beard, he neglects key aspects of the story. Thus he ignores the importance, for understanding Beard's book on the Constitution, of Beard's antecedent and primary concern with developing, testing and using a theory of social causation. In both instances, therefore, Hofstadter substitutes a social psychological theory of Progressivism for the history in question.

These examples lead directly to the question of Hofstadter's technique of applying social psychological concepts and logic to the data he does use. Social psychology is itself a method of understanding and interpreting *primary* evidence. As such it is a useful tool for the Historian. Thus Hofstadter is not to be criticized for using it, but rather for so seriously limiting, *a priori* and regardless of his chosen system, its fruitfulness by his own research methods. And he also seems to overlook the vital fact that whatever else psychology reveals (and this is considerable, of course), it cannot tell us how the world appeared in the consciousness of the actors—what they thought they were doing—or the relationship between a given conception of the world, entertained by individuals and groups with power, and subsequent events.

It is all well and good for Hofstadter to tell us, for example, that the Populists and other Americans went to war against Spain out of frustration with their lot at home. But this is neither as accurate nor as helpful, when we get down to cases, as ferreting out such facts as that specific labor leaders and their unions agitated for war on the grounds that it would strengthen their hand against employers; that the silverites thought of war as a last chance to establish a stronger competitive position with the British Empire for the type of foreign trade that would benefit them; or that many influential business men and politicians did indeed favor war for immediate as well as general economic reasons.

For even assuming that the only function of History is to help avoid such aggressiveness in the future, it would still seem prophylactic to know that the general neurosis takes rather specific economic and functional forms. Of course, this might suggest the need for structural

*THE AGE OF REFORM. From Bryan to F. D. R. By Richard Hofstadter. Knopf. $4.50.

Reviewed by The Nation in its issue of January 21, 1956.

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changes as opposed to group therapy; but that is one of the risks of studying anything—even history.

It is not much more fruitful, to cite another instance, to stress the role of the Populists in accounting for latter-day anti-Semitism without undertaking the research which would tell us, among other things, whether or not Populist rhetoric was based on a factual coincidence of a religious-cultural ethic and economic power among their opponents. Evidence of this kind certainly could not condone such attacks or the form they took, but it would help us to understand the hostility. And even by the logic of social psychology such understanding is a prerequisite for sublimation—to say nothing of resolution.

Hofstadter remarks in one place that the frustration-aggression pattern is a psychological commonplace, but he seems to overlook the fact that such outsized abstractions are not the stuff of History. It is possible, and often fruitful, to establish factually based categories and to draw broad conclusions from a viable historical inquiry. But it is not possible to write valid History by using social-science concepts or contemporary political discretion as substitutes for facts.

It is particularly illuminating, therefore, to review Hofstadter's use of the concept of status, in the sense of social recognition. The issue here is whether, and in what circumstances, status becomes an independent engine of causation. Hofstadter appears to argue that such is the case when neither any significant segment or class, nor the society itself, is faced by a basic economic problem. This is a persuasive thesis, especially in a decade when both the Democrats and the Republicans are using the same slogan about Americans never having had it so good. That it also has an intimate relationship to the New Liberalism becomes apparent when it is employed, as by Arthur M. Schlesinger, Jr., in his recent article in *The Reporter*, to discount the need for any structural changes in American society.

While this may be good politics (though even that may be questioned), it most certainly is weak methodology. For status, as C. Wright Mills has written, is "the shadow of money and power." But while status is inseparably connected with power, money is not necessarily the same thing as power. Power is not measured in dollars but, as Robert Bierstedt points out, in terms of the ability to invoke and apply ultimate sanctions. And in American society, at any rate, that capability is a function of the position and control one enjoys in, or in relationship to, the productive system. Whether or not Hofstadter is a follower of Mills, it is significant that both men fail to observe this distinction in their latest books.

FOR HIS part, Mills treats the high military as one of the three independent, albeit associated, variables in American society. His argument, drastically condensed, holds that the current definition of reality in military terms stems from the military's exercise of that power. But the military did not originally define reality in military terms. That was the outcome of a long argument, back in the period between 1937 and 1941, among the corporate economic leaders of the country. Roosevelt and his political, administrative and military supporters could not get their program under way in an effective manner until the balance within the corporate area shifted in their favor. Mills is not the only student who slights this part of the story, however, for the same weakness pervades the existing historiography of American entry into the war.

Hofstadter's efforts to characterize and explain the reform movement, and certain contemporary conservatives, in terms of their status-hunger is very similar to Mills's argument about the role of the military. So, too, are its shortcomings. Those who appear to Hofstadter either to be hankering after naught but status, or to have engineered nothing but a status revolution, are in fact (whatever their temporary monetary standing) concerned with effective power. They are quite aware, if only in a negative sense, that money is not to be confused with the power to establish for themselves a participating role in deciding their future. They are not unconcerned with status, but it is secondary to them.

Hofstadter's analysis tends to direct attention away from this truth towards a preoccupation with superficial goals. And this, in turn, makes it only easier for the existing centers of power to continue their manipulation of his audience. Per-

The Fourth of July

Because I am drunk, this Independence Night,
I watch the fireworks from far away,
From a high hill, across the moony green
Of lakes and other hills to the town harbor,
Where stately illuminations are flung aloft,
One light shattering in a hundred lights
Minute by minute. The reason I am crying,
Aside from only being country drunk,
That is, may be that I have just remembered
The sparklers, rockets, roman candles, and
So on, we used to be allowed to buy
When I was a boy, and set off by ourselves
At some peril to life and property.
Our freedom to abuse our freedom thus
Has since, I understand, been remedied
By legislation. Now the authorities
Arrange a perfectly safe public display
To be watched at a distance; and now also
The contribution of all the taxpayers
Together makes a more spectacular
Result than any could achieve alone
(A few pale pinwheels, or a firecracker
Fused at the dog's tail). It is, indeed, splendid:
Showers of roses in the sky, fountains
Of emeralds, and those profusely scattered zircons
Falling and falling, flowering as they fall
And followed distantly by a noise of thunder.
My eyes are half-afloat in happy tears.
God bless our nation on a night like this,
And bless the careful and secure officials
Who celebrate our independence now.

HOWARD NEMEROV

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haps this confusion can be understood as a result of the New Liberalism having mistaken a pseudo-status conferred upon it by the High and the Mighty with the authentic influence and esteem it might attain by dealing with the realities instead of the appearances.

In place of this, Hofstadter employs the ideas, concepts and hypotheses of social psychology as though they were cookie patterns. The metaphor is apt, for not only does his dough of reality lack essential ingredients; he also uses only that portion of it which falls within the confines of his moulds. But social psychology offers models *of* reality, not moulds *for* it. Hence it is a fundamental mistake to restructure reality according to the model. And for this reason Hofstadter's recent History makes sense at all only when he uses ideal evidence, or when he ignores that part of reality for which there is no place in his model.

THIS DOES much to explain the greater value of *The American Political Tradition* as compared with his work on Beard, Manifest Destiny and *The Age of Reform*. For in that case Hofstadter was working with first-rate materials; as, for example, with the research and interpretations supplied by Richard Current on Calhoun, Kenneth Stampp on Lincoln, and Frank Freidel on Franklin Delano Roosevelt. And in that instance, furthermore, Hofstadter himself was not so engrossed in the manipulation of social psychological concepts. It may be too much to say that Hofstadter's later social psychological History works only when he constructs ideal types that function in his model, but it is not too much to say that he has seldom of late dealt with people as people.

And that is both the function and the test of the Historian. Hofstadter's protagonists are not actual personalities, groups, or classes; they are abstracted ideal types. Thus they cannot, in his pages, either re-create their world or communicate to us their view of that world or their insights. Instead, they prance about as the hirelings of a master martinet. It is a magnificent performance, let there be no misunderstnding about that, but the individuals appear only as model enlisted men in Hofstadter's drill team.

This demonstration may indeed mark, as the New York *Times* and the Pulitzer Committee suggest, a turning point in History and political theory. If so, it would seem to symbolize thetransformation of an ideal into ideology. For History as a reasoned facsimile of the past has always been the intellectual's ideal, whereas implicit in Hofstadter's methodology is the viey of History as a body of information to be manipulated. And that literally makes a myth of History. A disturbing thought, that; for Rome once felt so sure of itself that it took up the sport of disregarding reality.

Forster's Act of Gratitude

MARIANNE THORNTON. By E. M. Forster. Harcourt, Brace and Company. $5.

By Katherine Hoskins

IN THIS biography of his great-aunt, Marianne Thornton, and her numerous brothers and sisters, admirers of E. M. Forster's novels should find considerable entertainment in recognizing a wych-elm here, a house there, in noting the first appearance of his beloved Cambridge. They will not, I think, find characters to identify so surely. On the other hand, there is a plenitude of those characteristics necessary to a nation of great shopkeepers and a rather new milieu of nineteenth-century travels and enthusiasms.

For non-Forsterphiles, I am afraid the interest will get clogged and finally sag under the painstaking explanations and massed detail—obstacles that have so often plagued us in his novels. In *The Death of the Moth,* Virginia Woolf remarks, apropos of *A Passage to India:* "Hitherto Mr. Forster has been apt to pervade his books like a careful hostess who is anxious to introduce, to explain, to warn her guests of a step here, a draught there." In the biography, an almost unbroken succession of steps and draughts leaves few chinks for the imagination.

Nor indeed do the characters invite it. The actual Thorntons appear to have led lives of cheerful piety and intelligence, unrelieved either by those moments of revelation that Forster likes to accord his fictional burghers, or by contact with those differently sensitized persons he creates to show them up and indicate another approach to life. Thorntons did not lend themselves to the great backdrops of War or Poverty or Nature whereby they might have been endowed with timelessness, at least. Satire was ruled out and irony dispersed by affection.

Forster himself was at one time aware that, however superior the commonplace, to invest it with distinction presents grave difficulties. In 1939, in an essay that later appeared in *Two Cheers for Democracy,* he wrote of Marianne's father, his own great-grandfather (and the tone of it would serve for the whole family):

> There is also a charming portrait of him by Hoppner, but this does not go too far either; calmness, moderation and restraint dominate in its well-ordered scheme. Mr. Thornton's chin is firm without ferocity, his mouth ascetic without fanaticism, his forehead intelligent without fire, in his right hand is a parliamentary bill. The restless modern mind, skimming over all these solidities, finds nothing to laugh at, nothing to condemn, and nothing to die for, and becomes unsympathetic, partly through envy. Here is neither a sinner, a mystic nor an artist—types which the modern mind can comprehend, and in whose presence it does not feel rebuked. Here is only a successful banker, an extensive philanthropist, a devout Christian, an affectionate husband and judicious father, a loyal friend, an upright citizen, an incorruptible M. P. . . . Sound: but not exciting; not even inspiring.

In 1939, he settled for a modest essay that befitted his modest subject.

One can change one's mind many times in seventeen years. And it is easy to understand how the war and the social upheaval in England that these particular years cover might have sent Forster's mind back to the more orderly times and characters of his immediate ancestors; the old and potent seduction of any bourgeois society with its apparent security, its real efficiency. And,

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though he shows an almost wistful insistence on the improvements in Marianne's epistolary style, there is always the natural self-congratulation that I, an artist, managed to emerge from such. Many and great writers have sprung from this seedbed and have had cause to be grateful for the vigor, the intransigeance, the narrowness of purpose, the spiritual hardihood and masculinity that they have received from it. Forster seems to have inherited rather those virtues of moderation that he half-praises, half-deplores in his great-grandfather. So it may well have been the deep pull of affinity that caused him to go against his better judgment and tackle so unpromising a subject—and bereft of the classical weapons.

But, as the passage quoted and the present work both show, the affinity, the admiration, the affection even, were qualified. And we wonder a little, since we are searching the past, how then *did* Forster emerge from such? Casting about, we come on his Forster grandfather, an Irishman, a clergyman, treated briefly and unsympathetically, who yet suggests those odd birds his grandson uses to needle the complacent. His face, in youth at least, appears delicate and intensely thoughtful and he did manage to write ten books, if dull. There is Forster's father, an architect, possessed of "a charming, niggling pencil." There is his mother and her family: "They had no enthusiasm for work, they were devoid of public spirit, and they were averse to piety . . . and it is with them that my heart lies." Meagre sources, but more probable than Thorntons as forerunners of this particular artist.

Not that Forster seems to favor such fancies. His final and most eloquent statement of thanks to the aunt who inspired this biography is not for any spiritual legacy, but for the eight thousand pounds she left him, ". . . she and no one else," he declares, "made my career as a writer possible."

There he does himself, at least, injustice.

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A Mask of Letters

THE LETTERS OF EDWARD GIBBON. Edited by J. E. Norton. Macmillan. Three volumes. $30.

By Kenneth Rexroth

WE HAVE all heard the wisecrack about Gibbon's *Autobiography,* that he wrote of himself as though he was the Roman Empire. How true it is. Never, not even in Plutarchian Rome, did the public mask, the Social Lie, so completely obscure reality, as in Gibbon's day and world. We may expect our great politicians, some fraudulent old "tub of whiskey and stale nicotine," to be strutters on the stage, devoid of personal life, and who will ever number the heartaches of Arthur Godfrey? But Gibbon is another matter. Somehow, somewhere, we get the conviction of a tragic, hidden self, nursed through life like an imbecile in a garret. I think mostly the secret leaks through in the fact of the style. This is one place where we can say for sure, the style is the man. True, *The Decline and Fall* is pompous at times, snickers at times, but by and large, it conveys, more than any other work in English, in sentence after noble sentence, the conviction of integrity and tragedy.

The famous footnote on Theodora, "in the decent obscurity of a learned language," is not just a leer. The whole Theodora story is a muffled cry across time, sex, space, circumstance, of one lost and frightened person to another. Reading it, you know Gibbon was haunted by those terrified Byzantine eyes in the Ravenna mosaic, the little circus girl, growing old under her topheavy crown. A strange lover—this man who proposed only once to a woman, and who then, too chubby to rise in his tight breeches, had to be helped from his knees by her. An apocryphal legend, but with its own truth.

It is of course to Gibbon's letters to Suzanne Curchoc that you turn first, hoping for something new. Here they are again, just as they were before, set pieces of evasion. This Abelard, "a man naturally cold, or at best tepid," preferred to wait till old age and write the "History of His Calamities" in the guise of the terrible romance of the martyrdom of Boethius, the noblest pages of *The Decline and Fall,* and one of the greatest short narratives in any language. There are plenty of secrets in that big book, there are none at all in these twelve hundred pages of letters. Not a secret. Not a single leak. Not just Suzanne—it is romantic to think she was of crucial importance—there is nothing at all. All the right eighteenth-century opinions on all the right subjects at all the right times. Letters composed by a committee from *The Manchester Guardian,* or, if you prefer, *The Nation.* No wonder college professors love the eighteenth century, those untroubled days when nobody peeked, nobody spilled the beans. Nobody except Blake and Burns and ten thousand other witnesses, from Cowper to Sade. Nobody ever let on. Nobody burned the Bastille.

So, to talk like a book reviewer, here at last is the personal Gibbon, as complete as he is every likely to be, three volumes of consummate care and scholarship. Here is plenty of documentation for "Main Forces in Eighteenth-Century Thought and Life." Here is some charming, witty, often even wise, observation, in a prose no less noble for being intimate. Here is all the editorial information and apparatus anybody could desire. As for Gibbon, he is somewhere else, on the throne and in the brothels of the Levant with Theodora, in the tower with Boethius. Miss Norton has worked to do what she could, but, as she says, speaking of certain letters to a fellow scholar, "Had Gibbon continued the pursuit of pure scholarship, he would no doubt have become more correct and more fastidious, and the present letters indicate that he might have become an accomplished Latinist with an individual style."

KENNETH REXROTH, author of many books of poetry, will bring out this year translations of Japanese, Chinese, Greek and French poems.

Prose and Verse of Japan

ANTHOLOGY OF JAPANESE LITERATURE FROM THE EARLIEST ERA TO THE MID-NINETEENTH CENTURY. Edited by Donald Keene. Grove Press. $6.50.

By Thomas C. Smith

DESPITE the long history, richness and individuality of Japanese literature, it has remained almost unknown in the West outside a circle of devotees. One suspects appreciation of it is an acquired taste; but a more important factor perhaps is that translations have been scattered and too often graceless or unfeeling. This first English anthology of Japanese literature is happily a very good one.

Beginning with the beginnings, and ending at the mid-nineteenth century, with selections foreshadowing a modern Japan, the volume gives us representative pieces from many major works and genres. On the quite sensible view that literature is meant to be enjoyed, the editor has limited selections to works translating into pleasing English.

One may promise the reader much pleasure from this volume—and some disappointments. He will find poems that tell more than they say: "In its eye/the far-off hills are mirrored/ dragonfly!" He will find some excellent stories, a sensitivity to the moods of nature that will delight him, freshness and charm in savoring the smallest events of life. But he will not often be deeply moved. The fault is not in the translation. Either there is an emotional dimension in Japanese literature that I miss or it exists only in a few very exceptional works. I am inclined to think the former is the case, but I suspect most Westerners will share my failing.

Where I am able to judge, the translations are perhaps as successful as English permits. Something of the suggestiveness of even the seventeen-syllable *haiku,* an exceedingly difficult poem to translate, has been preserved. Particularly interesting are the *haiku* translations of Mr. Harold G. Henderson. I should not have thought it possible nor legitimate to use rhyme where there is none in the original. But Mr. Henderson's unforced rhymes seem to convey a sense of the severe limitations of the *haiku* and, with one or two exceptions, give his versions added sharpness.

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Books In Brief

Fine Arts

GIAN LORENZO BERNINI: THE SCULPTOR OF THE ROMAN BAROQUE. By Rudolf Wittkower. Phaidon. $12.50. The first monograph in English about the sculptor who was probably the most prolific and influential of any in history. In other languages no full-dress treatment of this major luminary has appeared for a generation, though Bernini scholarship in the form of articles has been active. Both as architect and sculptor, Bernini established Baroque Rome, and thereby dominated European arts of the seventeenth century and also in the eighteenth and nineteenth whenever Baroque forms were employed. Wittkower, the leading Bernini scholar, is somewhat cramped even by the format of the Phaidon series; but the text will serve the general reader and the catalogue raisonne will serve the specialist. The 135 full-page black-and-white plates are for the most part suitably magnificent.

AMERICAN PAINTING FROM THE ARMORY SHOW TO THE DEPRESSION. By Milton W. Brown. Princeton. $15. A thorough historical treatment of painting in the United States between 1913 and 1929. The conflict of modern European idioms, introduced dramatically by the Armory Show, with a rapidly stratifying academic hegemony is fully studied. While the historical limits of the book are clearly stated in its title, one wonders whether they imply some degree of negative artistic judgment on subsequent painting in America. Undercurrents of approval of mural paintings with themes of social significance (but with far less significance in their forms and expression) seem to lead in the same direction. Mr. Brown is so preoccupied with classifying and correlating and historifying, that he takes too little time to consider the quality or the unique character of the individual painting. Thus the book as a whole is rather more a historical compendium of the effects of social forces on American painting at a given period than it is a critical estimate of the value of the work done at that time.

PICASSO. By Wilhelm Boeck and Jaime Sabartes. Harry N. Abrams. $15. In format this volume is similar to the recent monograph on Paul Klee by Will Grohmann. The text is elaborately illustrated with line cuts, interlaced batches of full-page half-tone cuts, and smaller groups of tipped-in color plates; each of these groupings follows a roughly chronological order, but as they are independent of one another the classified catalogue and chronological listing at the rear of the book are indispensable. The more than 600 illustrations cover all phases of Picasso's work in all media, with the inclusions from the past dozen years being especially plentiful. The value of the book lies partly, then, in its supplying a sumptuous preliminary to a definitive catalogue. Boeck's text, however, is equally useful, not only for its historical coverage but for its critical analyses and its enlightening study of the connections across six decades between the forms of Picasso's art. In all this he manages to avoid both mumbo-jumbo and hero worship. The same cannot be said for Sabartes' sixty-page reminiscence, placed at the beginning of the book, though it has considerable documentary interest.

S. LANE FAISON, JR.

Theatre in Germany: II

Harold Clurman

BERTOLT BRECHT'S Berliner Ensemble Theater in East Berlin has been called by one foreign critic the finest acting company in Europe. A number of other critics tend to discuss the productions of that remarkable organization from the standpoint of Brecht's theories. Both these approaches seem to me alien to the value or significance of any artistic phenomenon. The way to understand work in the theatre is to register and measure the effect created and the human, social and (sometimes) technical attributes which render that effect.

I begin my report on Brecht's theatre in this fashion because Brecht himself, as well as many of his admirers, lays so much stress on the unsentimental, didactic, demonstration-like nature of his art. The first thing I should like to note, therefore, is that I found *Mother Courage and Her Children,* perhaps the best of Brecht's plays, very touching.

Brecht is a poet. To overlook the extremely sensitive bareness and strength of his writing is to miss its core. It strikes me as downright silly to talk of Brecht's production methods—the tenets of his co-called Epic Theatre—without realizing that if such methods did not exist, the quality of Brecht's writing would require their invention. Brecht says that his plays may be done in different ways, but it is clear that they would make no sense if one adhered to the ordinary naturalism of the contemporary stage.

Brecht's plays are morality plays as surely as anything written in the Middle Ages to demonstrate the road to Salvation or to mock the Evil One. There is in Brecht the same basic seriousness, the same need to be clear, popular, real (that is, essential). Those old plays depended a good deal on comedy—often of a primitive kind; so does Brecht, whose shrewd wit and robust humor nearly always assume a rather peasant-like bluntness. The old plays were direct: each scene had its unmistakable comic or pathetic point. They had very little of the ambiguity and indirection of the modern play. Brecht's plays do not attempt to render nuances of personal psychology: they are displays of primary action governed by primary motives. Finally, we are constantly kept aware that we are looking at an artifice, and that helps us to maintain the objectivity and critical sense which Brecht insists is the proper frame of mind for an adult in the theatre.

Mother Courage is the tale of a woman of the people who, with three illegitimate children, follows the troops during the Thirty Years War to sell them liquor and sundry other articles soldiers crave. The play shows us how she is slowly deprived of everything she cherishes: her children, her trade, her reason for being. This woman who takes no sides, who seeks only to live and let live in the most friendly fashion, is swept along by the currents of life in a war period until nothing remains of her native honesty, good nature, moral or material possessions.

THERE are very funny scenes in the play, dramatic scenes and scenes which for all their brevity give us a remarkably sharp view of the epoch. But what is most important to bear

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in mind is that, though Brecht always endeavors to keep his writing and presentation dispassionate and rather matter-of-factly quiet—effects of climax, suspense, mood being systematically avoided—what is ultimately achieved is indelibly vivid and emotionally telling. One leaves the theatre with the unalterable conviction that war is nothing less than the greatest scourge of man's making.

In his staging, Brecht doesn't attempt picturesqueness; yet his stage has a constant visual interest. Everything is apparently being done to destroy illusion—the light, for instance, is always bright white, and the electric apparatus always in view; the revolving stage by which Mother Courage's endless wanderings are shown is plainly a stage mechanism. Songs interrupt the action arbitrarily. They sharpen the play's points like epigrams of instruction. (Splendid songs they are too.)

The purpose of all this is to tell the audience that the play is a conscious device to present what the dramatist and his colleagues want the audience to understand—the play's moral point. But, and it cannot be repeated too often, all this does not make the play any the less moving. Everything seems congruous and right. One rarely gets any feeling of a stylistic mannerism, of a trick, labored "modernism."

BRECHT is a classicist. He seeks that form of artistic truth which emphasizes the thing created above the creator, a manner which allows the spectator to appreciate the play with that repose and refinement of attention which liberate the spirit without drugging the senses. Brecht's programmatic anti-romanticism is against art as magic as it is against faith as superstition. But, more deeply, Brecht's technique is a form of discipline undertaken by the artist to convey as devotedly and self-abnegatingly as possible his perception of reality. The goal is wisdom rather than excitement. It has always been the aspiration of the highest art.

Brecht's ideas and this theatre are the product of a destroyed world: Germany from 1919 to the present. The landscape of *Mother Courage* (written in exile in 1938) is that of Berlin—particularly East Berlin—today. The audience is part of a world which has been destroyed or one which may be reborn. This is not a metaphor: it is a visible tangible fact. In such a world, one has to get down to fundamentals, everything is truly a matter of life and death. In these circumstances, an art such as Brecht's is emblematic, necessary, national.

Would Brecht's methods serve all plays? Certainly not. Still Brecht's ideas and practice are stimulating and instructive for an understanding of the theatre everywhere. That Brecht's technique may at times be applied with happy results in certain plays other than his own is attested to by *Drums and Trumpets* (Farquhar's *The Recruiting Officer*) directed by one of the younger men of the Berliner Ensemble Theater. It has been adapted to the uses of this theatre by making the war for which the recruiting is being done the American war of Independence (the original was written about seventy years earlier) and by making it even more than Farquhar's comedy an occasion for monkey-shines and vaudevillesque lampoon. The result is a hilarious anti-war farce of savage propaganda interlarded with all sorts of theatrical hokum—the whole giving no impression of artiness, strain or falsification.

I say "propaganda," but I must immediately add that it is of a kind which may readily be accepted by anyone at all—except a Junker or a Nazi. This explains why 30 per cent of the Berliner Ensemble Theater audience comes from West Berlin. I have also mentioned a certain primitivism, but it should be clear that this is of a highly sophisticated sort. One striking example of this is the music. Much of it is by Hans Eisler and Paul Dessau—Brecht's pre-war musical collaborators. It reminds one very effectively of *The Three Penny Opera* and of that time in Berlin when Marlene Dietrich was driving the Emil Jannings type of boys crazy. It is an echo of the past easing the revolution of the present.

Television

Anne W. Langman

THE LARGEST mass audience in the history of man—an estimated 120 millions—will observe the 1956 Presidential conventions in August; a sobering thought for American politics. The tv viewer will see much more of the convention than any delegate, learn much more of what's going on elsewhere in the convention city, be guided through these complexities by some of the world's most experienced news commentators. Who can tell what the effect may be on our political practices?

Networks describe their coverage of the conventions in superlatives which make Barnum and Bailey a merely colossal memory. Each will have the largest number of reportorial technical and engineering personnel ever converged on one spot, the biggest tonnage of equipment, the latest in technical developments. Sponsors for this super-spectacular confluence of man and electronic machinery will pay fifteen million dollars for the three-network coverage. Because this all takes place in a limited time and in one place at a time (barring the much-dreaded possibility that the Democrats will run over the scheduled week and make simultaneous coverage necessary) and because details are worked out well in advance, it is a major chance for the industry to use everything it has in know-how and equipment. It should be a tv landmark of considerable proportions.

Basic arrangements are much the same for all three networks. Inside the International Amphitheatre in Chicago at the Democratic Convention, and in San Francisco's Cow Palace with the Republicans, five pool cameras will be shared by the networks. There will be no individual network cameras on the floors of the conventions. A pool committee chaired by William McAndrew, director of NBC News, for Chicago; and by Sig Mickelson, CBS vice-president for News and Public Affairs, for San Francisco, will direct this operation. In addition, each network will have twenty to thirty of its own cameras in conference rooms, hotel lobbies, airports, railroad stations and in mobile units roaming the convention city. Its reporters and

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commentators will be on the convention floor as well as on location with the camera crews. CBS, NBC and ABC will each have a specially constructed central facility in the convention hall. In 150,000 square feet of working space will be a tv studio, newsroom, master control room, telephone switchboard, engineering maintenance room, announcer's booth, make-up room, art department, film projection room.

TO EACH network's nerve center will come pictures from both pool and its own cameras, radio and telephone reports from newsmen on the convention floor, out in the city and elsewhere in the nation. Here will sit the brain trust—the men who will decide which picture to send to your screen and how to use it. In a booth overlooking the convention floor, the anchor man, who will provide continuity during the entire event, will face another camera. He and his associates, who will provide commentary and summaries, will carry out the decisions of the brain trust. As he watches his monitor screen, listens to instructions on earphones, it is the anchor man who will tell you "And now we take you to a smoke-filled room where our reporter will bring you. . . ."

Starting with this basic structure, each network has added special technical attractions of its own. CBS engineers are still working on a new device which executive producer Paul Levitan represents as a top-secret improvement on the "wedge-wipe" (split screen technique) which they introduced in the '52 conventions. They have given their walkie-talkies six-hour batteries, a hedge against repeating '52 experiences of having the power die at a crucial reportorial moment. NBC's Bill McAndrew is proud of the Teleregisters —instantaneous computing machines —to give the viewer cumulative delegate totals for each candidate. ABC has a self-contained tv broadcasting unit in a station wagon, weighing only 5,000 pounds, which vice-president Thomas Velotta calls the "crash unit"; he is also proud of the Audipage, a receiver the size of a tiny cigarette lighter.

In preparation for the conventions, both CBS and NBC have booklets, available through local stations, which will serve as aids to following the conventions on tv and radio. The news staffs of all three networks have been spending considerable time reviewing past experience and the current political scene in order to prepare themselves for interpreting the forthcoming jamboree. NBC will employ many specialists to develop a feature-story approach: i.e., the woman's angle, programs for future voters. CBS will handle the conventions as a straight news story, using its own staff of newsmen, headed by such veterans as Edward R. Murrow, Eric Sevareid, Walter Cronkhite.

Although the conventions this year may not be completely absorbing in their content, they provide an intriguing possibility for the viewer. Here are three tv networks presenting the same event, simultaneously. They will be using similar technical and engineering arrangements, spending approximately the same amount of money and air time. Each claims that the uniqueness of its presentation lies in its staff: producers, reporters, commentators. It is an opportunity for the viewer to see if there is any difference, any truth to claims of superiority in this most competitive of industries. One may size up the newsmen, the choice of shots, the commentary, decide on the effectiveness of the running narrative, both visually and orally, on the depth of interpretation. Anyone can be a tv critic, without moving from his mountain fastness, favorite beach or bar.

Records

B. H. Haggin

LISTENING to Oistrakh's performances of Mozart's Concerto K.218 and the Mendelssohn E minor with the Philadelphia Orchestra under Ormandy on Columbia ML-5085 I recalled a statement by Paul Henry Lang last fall about the visiting Russians—that their playing exhibited inadequacies which were the consequence of their having been cut off from the musical life of the Western world. And while I was thinking about this a letter arrived in which a perceptive young reader remarked on Professor Lang's tendency "to criticize . . . in what he considers his brilliant manner, however different the performance may turn out from his preconception." Even the preconception in this instance, though plausible, disregarded the fact that Moscow and Leningrad had themselves been important centers in the Western musical world for a century or more; that Soviet Russian musicians had remained in contact with those of the West through radio and in some degree through phonograph records; that some of them had had direct contact at international competitions in which they had exhibited enough expertness in Western practice to win over their Western competitors. And Professor Lang made his statement in the face of the actual performances by Oistrakh and Gilels which exhibited full command of Western practice, and which were good or bad, as are the performances of Western musicians, by virtue of the personal musical taste that operated in the practice.

What delighted one in Oistrakh's Russian recording of Mozart's Concerto K.219 a few years ago was the

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excellent taste evident in the pure tone and simple sustained phrasing—a taste manifested in much the same way by Isaac Stern in his first years; what shocked one in Oistrakh's performance of the work with the New York Philharmonic last fall was the deterioration in taste evident in the excessive vibrato that made the tone over-rich, the swells and portamentos that made the phrasing over-expressive—the sort of thing one has heard also in Stern's later playing. And what one hears now in Oistrakh's recorded performance of Mozart's K.218 is not his unfamiliarity with the ways of Western violinists, but an all too great familiarity with them: it is the fat-toned, high-powered performance, without delicacy and grace, that one might get from a Western violinist throwing his virtuosic weight around. The same kind of playing is heard in the Mendelssohn Concerto, instead of the unimpassioned elegance which the work calls for. For the Mendelssohn I recommend Grumiaux's performance on Epic LC-3173; for the Mozart K.218 his performance on Epic LC-3060, or better still the remarkable performance of thirteen-year-old Gerard Poulet on Remington 199-125.

MOZART'S Piano Concerto K.466, one of the greatest of the later series, is coupled on London LL-1357 with the seldom heard and for the most part uninteresting K.415. In both Katchen plays with the insipid, melting delicacy that used to be considered right for Mozart. Maag conducts the New Symphony of London.

The Piano Concerto K.449, on Epic LC-3226, though one of the lesser members of the later group, is more interesting than the unfamiliar K.238. Henkemans' playing is unpleasantly percussive in the Allegros of K.238, but better elsewhere. Paumgartner conducts the Vienna Symphony.

As for Mozart's symphonies, Victor LM-6035 offers K.425 *(Linz)* and the final three, K.543, 550 (the great G minor) and 551 (the so-called *Jupiter),* played by Reiner with the Chicago Symphony. The tempos of the opening movements of K.425 and 551 are too fast for the music to have the majesty it should have; and the Poco Adagio movement of K.425 loses by being played Allegretto. The performances of the other two are more satisfying; and one notes appreciatively the excellence of the orchestra. The over-reverberant hall doesn't blur the performances; but the sound becomes strident at the ends of record sides.

The performance of K.550 by Münchinger with the Vienna Philharmonic on London LL-1285 is pedestrian, and its recorded sound compressed and sharp. But the engaging K.319 is played well and reproduced with more spacious sound.

K.551 and the lovely K.201 are performed excellently by Klemperer with the London Philharmonia on Angel 35209. And another good performance of K.201 by Keilberth and the Bamberg Symphony is on Oiseau-Lyre 50005, with the pleasantly inconsequential German Dances K.509 and 571.

The Symphony K.297 *(Paris),* with its brilliant Allegros and affecting slow movement, has been available in unsatisfactory performances by Beecham on Columbia ML-4474 and Krips on London LL-542, but is now to be had on Epic LC-3215 excellently performed by Paumgartner with the Camerata Academica of the Salzburg Mozarteum. On the reverse side is a good performance of the engaging K.200.

Reiner and the Chicago Symphony are also heard in Mozart's Divertimento K.334 and *Eine kleine Nachtmusik* on Victor LM-1966, and in the Divertimento K.251 and *A Musical Joke* on LM-1952. The charming K.334 has wonderful details in its variation movement; the first, third and fifth movements are the best in K.251, and *A Musical Joke,* a take-off on the banalities a group of village amateurs would play and the occasional disasters of their performance, includes nevertheless a characteristically Mozartian lovely and affecting slow movement. Possibly because the less-frequently played works stimulated Reiner more, the performances are musically livelier than the ones of the symphonies. The sound from LM-1952 is a little sharp.

As for the Serenade K.361 for thirteen winds played by members of L'Orchestre de la Suisse romande under Ansermet on London LL-1274, the piece is more attractive as played with more beautiful tone and more sensitive phrasing by members of the Berlin RIAS Symphony on Telefunken 66006.

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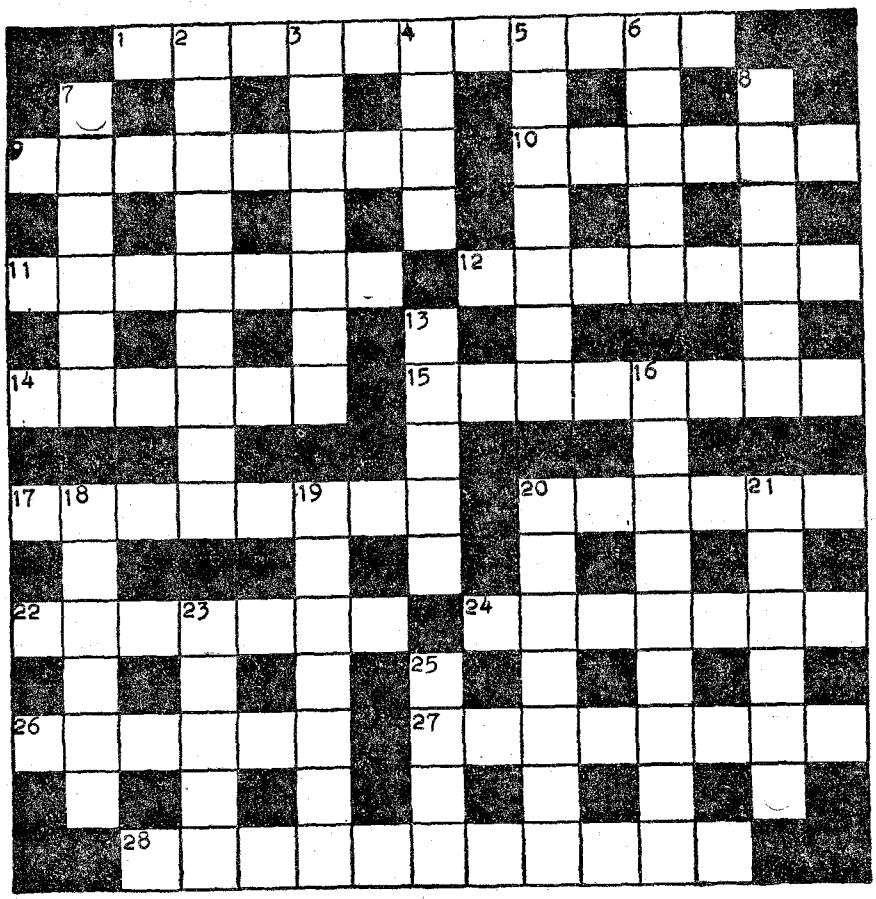
Crossword Puzzle No. 678

BY FRANK W. LEWIS



ACROSS:

1 Good spellers probably had no difficulty with this word. (11)
9 Gets professional remedies, obviously. (8)
10 A bird thus comes back to seek food. (6)
11 Spreads the news along the line, perhaps. (7)
12 What the doctor might prescribe takes years to waste. (7)
14 Truly ill-fitting livery! (6)
15 Take on a complete crew in a resoluate manner? (8)
17 To have a predilection for sage, also! (8)
20 Svengali's model. (6)
22 Certainly not an undernourished confederate. (7)
24 Looks as though 4 down is confused by the golf score! (7)
26 Game exemplified by 21 down? (3,3)
27 Get used to the current usage, obviously. (8)
28 This could make a Northern Spy blush! (5,6)

DOWN:

2 Edils lose religion. (4-5)
3 Wasting away, yet with a mark of the winner. (7)
4 It returns with the sparrows. (4)
5 and 25 This should certainly play only current tunes. (7,4)
6 Push off when a sick man comes up! (5)
7 A rectangular rabbet. (6)
8 Did this region take Franklin to measure? (6)
13 Is the incessancy of this resin no longer so popular? (5)
16 Provinces of thought conceived as forming closed systems. (9)
18 Likenesses of Debussy, perhaps. (6)
19 A stormy gale after the kind of wind that brings no good. (7)
20 A pith helment on top of Mr. Coolidge should have been more than a matter of immediate discussion. (7)
21 When this dog comes up it gives one short weight to steal. (6)
23 Even when they do, most people start at the top. (3-2)
25 See 5 down.

SOLUTION TO PUZZLE NO. 677

ACROSS: 1 FACTORIAL; 6 FLOOD; 9 OVERDUE; 10 TREMBLE; 11 DUO; 12 LATELY; 13 and 25 TAXICAB; 15 MOTIVATE; 16 PANDIT; 18 STARRY; 20 ROADSIDE; 23 and 3 CASH ON DELIVERY; 24 TUSCAN; 28 AIRPORT; 29 PRUNING; 30 SNAIL; 31 RESILIENT. DOWN: 1 FJORD; 2 CHEROOT; 4 IDENTITY; 5 LITTLE; 6 and 7 FREE ON BOARD; 8 and 27 DYED-IN-THE-WOOL; 14 PAID IN FULL; 15 MUSICIANS; 17 CONCEPTS; 19 AUSTRIA; 21 INCLINE; 22 CUTTER; 26 BIGOT.

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